

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

REMARKS

This is a full and timely response to the Office Action of March 12, 2004. By the present Amendment, the claims have been amended to more particularly and distinctly point out the novelty and non-obviousness of the present invention. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

By the present Amendment, claims 1, 30, 45, 47 and 48 have been amended and claims 4, 46 and 50 have been cancelled. The amended claims point out the novel and non-obvious facilitation and fulfillment of transactions disclosed by the present invention.

As described in the specification for the present application, the present invention provides a system and method for enabling the facilitation and fulfillment of wireless e-commerce transactions in a secure and convenient manner. The present invention further assists in tying e-commerce transactions to "real world" products and services, and provides appropriate systems to enable users to bypass traditional physical world limitations associated with traditional transactions or only partially integrated e-commerce transactions. For instance, in the movie ticket example described in the specification of the present application, a user is able to bypass a ticket point-of-sale location and proceed directly into the theater using the present invention.

By displaying a transaction code on a wireless device display and optically scanning the code, the present invention enables complete transaction processing for a desired good or service, away from a point-of-sale location. Fulfillment of an actual transaction (e.g., a purchase, sale,

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

rental, lease, loan, borrowing, consigning, etc.) for a product or service is initiated and completed using the displayed code and an appropriate optical scanner. In one embodiment, scanning of the code from the wireless device display triggers a fulfillment event such as a physical event (e.g., access to a movie theater or a flight on a plane) and/or an informational event (e.g., directions to a hotel). Thus, the invention provides a system and method which truly facilitates and fulfills transactions for real-world goods and/or services. In doing so, the present invention simplifies and facilitates each stage of the transaction process while not hindering the wireless device user's mobility.

By the present Amendment, claims 1, 30, 45, 47 and 48 have been amended to more particularly claim the facilitation and fulfillment of real-world transactions for goods and services by users of wireless devices. Support for these claim amendments and additions is found throughout the specification, and no new matter is believed to have been added. Claim 1 has been amended to recite that the method therein includes the step of optically scanning the first transaction code from the visual display of the wireless communication device at a non-point of sale location so as to trigger at least a physical or informational fulfillment event, with the fulfillment event fulfilling a wireless transaction for the transacted-for good or service. Claims 30, 45 and 50 include similar amendments as that provided in claim 1. Claim 47 has been amended to recite the method including the steps of receiving a wireless transaction request from a transaction requester using a wireless device so as to gain admission to an event, and optically scanning a transaction code from the visual display of the wireless device in fulfillment of the requested transaction such that physical admission to the event is thereby granted. It will be

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

appreciated that the event may be any of a number of real-world experiences or services, including a movie, sporting event or a plane flight, for example.

Response to 35 USC 102 and 103 rejections

In the Office Action dated March 12, 2004, the Examiner has rejected claims 1-25, 30, 34-44 and 47-49 under 35 USC 102(a) based on the Hymel et al. reference (WO/00/03328, hereinafter "Hymel"). The Examiner has also rejected claims 26-29, 31-33, 45, 46 and 50 under 35 USC 103(a) based on the Ulvinen et al (6,639,305) reference (hereinafter "Ulvinen") in light of Hymel. Based on the above amendments and the present remarks, Applicant submits that these rejections have been traversed.

Hymel relates to a targeted or affinity marketing and coupon delivery system. Unlike the present invention, Hymel does not make it easier to initiate, process or fulfill a transaction for a product or service. Hymel discusses using traditional transaction infrastructure (e.g., point of sale checkout, checkout clerk, coupons, checkout scanner) as the basis for its disclosed system. Hymel is concerned with scanning bar coded coupons at the time the user is purchasing items associated with those coupons. No transaction request occurs in Hymel until the user is at the point of sale presenting items for purchase. At that time, the user presents bar coded coupons which are then scanned by a scanner so that discounts can be applied. The scanning of the bar code is thus at the point of sale, and does not result in the fulfillment of a transaction.

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

As described throughout Hymel, including the portions referenced by the Examiner, demographic and individual identity information are used to deliver targeted coupons and promotions to the user. Hymel describes displaying demographic, coupon and affinity information in various formats on a selective call receiver (SCR). However, whether the coupons are displayed on the user's SCR and then scanned at the point-of-sale, or stored in the store's computer and then applied to the user's purchase at the point-of-sale, no actual transaction for a good or service is begun, processed or consummated using the displayed code according to Hymel.

Further, as described on page 11, lines 36-37, Hymel teaches scanning the bar codes of items to be purchased at the point-of-sale, separately from scanning the user's SCR. The product bar code is thus representative of the product itself, as is known in traditional "bricks and mortar" shopping environments. The code scanned on the user's SCR in Hymel represents coupons, affinity card information and/or demographic data. Thus, neither the code on the product itself nor the code on the user's SCR is representative of a *transacted-for* good or service. Although the Examiner has cited Hymel for showing a transaction code "representative of a transacted-for good or service", the citations provided by the Examiner, and indeed the entire Hymel reference, disclose only items possibly *affiliated with* a transacted-for good or service, but not representative of such. Given the purpose of Hymel to collect demographic information and transmit targeted coupons, there is no motivation in Hymel to provide a system including the scanning of bar codes representative of a transacted-for product or service.

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

More specifically, and contrary to the claims as amended, there is no teaching or suggestion in Hymel or any other cited reference of optically scanning a transaction code from the visual display of a wireless communication device *at a non-point of sale location so as to trigger at least a physical or informational transaction fulfillment event, with the fulfillment event fulfilling a wireless transaction for a transacted-for product or service.* The only description in Hymel related to scanning barcoded SCR-displayed information at a non-point-of-sale location relates to scanning the identification or user demographic information as the user enters a store (p. 9, lines 16-18 and 32-35; p. 10, lines 29-34) and even then, in every instance, the Hymel reference teaches transaction fulfillment by standard point-of-sale procedures (see p. 10, lines 14-19; p. 11, lines 6-8 and 32-37). While the Examiner notes that the Hymel disclosure describes a "scanner, preferably located at the point-of-sale, reads the bar coded coupons..." (page 10, lines 14-19), nothing in Hymel enables the scanning of bar coded coupons at any other location. Indeed, the Examiner has stated in the Response to Arguments section of the Office Action of March 12, 2004, that "A bar code scanner *located at the point-of-sale* reads the user information..." and "when the user reaches a *point-of-sale*, he causes the SCR to display, in bar code format, each coupon..." (emphasis added). It would run contrary to the operational mechanisms of Hymel for this scanning of bar coded coupons to occur anywhere else BUT the point of sale, because that is where the purchases in Hymel are being consummated. Even still, as stated earlier, the bar coded coupon does not represent a transacted-for product or service.

Previously submitted claims 46 and 50 related to the scanning of a bar code at a non-point of sale location. In rejecting these claims, the Examiner made no specific reference to the

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

Ulvinen, Hymel or any other reference, nor was there any statement outlining the basis for the Examiner's rejection of these claims. Accordingly, Applicant has incorporated such elements into the claims as presently amended, and submits that there is no teaching or suggestion of the invention as presently claimed, including optically scanning a transaction code from the visual display of a wireless communication device at a non-point of sale location so as to trigger at least a physical or informational fulfillment event, with the fulfillment event fulfilling a wireless transaction for a transacted-for good or service.

Applicant further submits that there is no teaching or suggestion in Hymel or any other cited reference of the invention as claimed in amended claim 47, including receiving a wireless transaction request from a transaction requester using a wireless device *so as to gain admission to an event*, and optically scanning a transaction code from the visual display of the wireless device *in fulfillment of the requested transaction such that physical admission to the event is thereby granted*. As stated above, Hymel is concerned with collecting demographic and purchase information from users so as to provide them with targeted coupons and affinity card memberships to use when making purchases in traditional shopping environments. Nothing in Hymel or the remaining references discloses or makes obvious the invention as presently claimed.

For the above reasons, Applicant submits that none of the cited references, taken either singly or combined, teaches or suggests the system and method of the present invention as

Appl. No. 09/690,213
Amdt. dated Sept. 13, 2004
Reply to Office Action of March 12, 2004

presently claimed, and that the rejections in the Office Action of March 12, 2004 have been traversed.

CONCLUSION

Based on the foregoing, Applicant submits that the present application is in position for prompt adjudication and allowance. Applicant believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below.

A three-month extension of time is being filed simultaneously with this Amendment. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of the required fees.

Respectfully submitted,
WILLIAMS MULLEN, PC



Thomas F. Bergert
Counsel for Applicant
Reg. No. 38,076

Filed: September 13, 2004
Attached: Petition for 3-month extension of time

Thomas F. Bergert, Esq.
Williams Mullen, PC
8270 Greensboro Drive, Suite 700
McLean, Virginia 22102
(703) 760-5200
tbergert@williamsmullen.com
1082412V1